

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILEDfor the
Southern District of Texas

JUL 29 2016

United States of America
Rodrigo GARCIA-Fuentes
YOB: 1987 Citizenship: Mexican

David J. Bradley, Clerk

Case No. M-16-1426-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 29, 2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2252A(a)(2)(A)	Receipt of Child Pornography

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

Approved to file: 8-18
AUSA
Complainant's signatureJuan J Flores, Jr., U.S., HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/1/2016 4:49 pm
Judge's signatureCity and state: McAllen, TexasU.S. Magistrate Peter Judge Ormsby
Printed name and title

Attachment "A"

On February 12, 2016, U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI), Assistant Special Agent in Charge (ASAC), Harlingen, Texas, Special Agent (SA) Joseph G. Baker began an internet investigations to identify persons using peer-to-peer (P2P) software used on the internet to traffic in child pornography. SA Baker identified a computer located at internet protocol (IP) address 70.125.201.205 as offering to participate in the sharing of movies with titles that were suggestive of child pornography. One particular movie was viewed and determined to meet the federal definition of child pornography.

Further investigation performed into IP address 70.125.201.205 revealed that it was being utilized from a residence located in McAllen, Texas. The subscriber was an individual by the name of Rodrigo GARCIA-Fuentes. On July 29, 2016, HSI special agents executed a federal search warrant on said residence.

During the execution of warrant SAs encountered Rodrigo GARCIA-Fuentes (hereinafter referred to as GARCIA-Fuentes. A desktop computer with a central processing unit (CPU) was located in GARCIA-Fuentes bedroom. RODRIGO-Fuentes claimed ownership of the desktop computer, provided a password for it, and stated that he alone had access to the computer.

A preliminary on-site forensic examination of the desktop computer revealed additional videos depicting known child pornography.

SAs advised GARCIA-Fuentes of his Miranda rights in English on a Department of Homeland Security (DHS) Statement of Rights form. GARCIA-Fuentes signed the document affirming verbally and in writing he understood his rights and agreed to continue the interview. During the recorded post-Miranda interview, GARCIA-Fuentes stated approximately four (4) years ago, he began to purposely search for, receive and view child pornography using internet-based Peer-to-Peer (P2P) file sharing networks. He stated he downloaded approximately 30 video files containing what he knew to be child pornography. GARCIA-Fuentes stated he understood that receipt, possession and viewing of child pornography is illegal.